

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MRI Software, LLC,)	Case No. 1:12-cv-01082
)	
Plaintiff,)	Judge Christopher A. Boyko
)	
vs.)	
)	
Lynx Systems, Inc. et al.,)	
)	
Defendants.)	

Donald Robinson's Motion for Relief under Local Rule 7.1(f)

Donald Robinson hereby moves the Court for relief from the non-substantive requirements for dispositive motions Local Rule 7.1(f) with respect to the already-filed Memorandum in Support of his pending Motion to Dismiss (ECF # 106).¹

Under Local Rule 7.1, any memorandum that exceeds 15 pages must include a table of contents, a table of authorities and a brief statement of the issues and summary of the arguments. *See* Local Rule 7.1(f). Due to an inadvertent oversight, the supporting memorandum for Don Robinson's Motion to Dismiss did not include a table of contents or a table of authorities, and the brief statement of the issues and summary of the arguments was not labeled as such. Don Robinson accordingly asks the Court to either excuse those oversights or, in the alternative, grant him leave to file the substitute Memorandum in Support attached hereto as Exhibit A,

¹ In bringing this motion, Don Robinson and his undersigned counsel make a special appearance for the limited purpose of furthering Don Robison's objection to personal jurisdiction and his motion to dismiss MRI's claims against him on that ground and on additional Rule 12(b)(6) grounds. The filing of this motion is not intended to be, and shall not be construed as, a general appearance or a waiver of any of Don Robinson's defenses, including, but not limited to, lack of capacity to be sued or lack of personal jurisdiction.

which includes the omitted items and otherwise is substantively identical to the previously-filed supporting memorandum.

Don Robinson also seeks relief, to the extent necessary, to ensure that his 22-page Memorandum in Support complies with any applicable page limits. Under to Local Rule 7.1, memoranda relating to dispositive motions are limited to 20 pages in “standard” track cases and 30 pages in “complex” track cases. This case has not been assigned to a track, so it is unclear whether a Local Rule 7.1(f) page limit applies and, if so, which one. If the 30-page “complex” case limit applies, Don Robinson’s existing 22-page brief is compliant and no relief is needed. If, however, the 20-page “standard” cases limit applies, his existing brief is 2 pages over length. Those 2 pages, however, exist because that brief uses the slightly-larger, but more readable “Century Schoolbook” font, instead of the default “Times New Roman” font.² When formatted using the same “Times New Roman” font that MRI uses for its filings, Don Robinson’s brief is just 19 pages long. Don Robinson therefore asks that, if the 20-page “standard” case limit applies, the Court either grant him an extra 2 pages, *instanter*, or grant him leave to file the attached substitute Memorandum to correct that overage.

For the foregoing reasons, Don Robinson respectfully asks the Court to either grant him relief from the non-substantive requirements for dispositive motions under Local Rule 7.1(f) with respect to the already-filed Memorandum in Support of

² Notably, the United States Supreme Court requires use of the “Century” font family (*see* Sup. Ct. R. 33.1(b)), and a useful discussion of the limitations of the “Times New Roman” font can be found at the Typography for Lawyers website (<http://typographyforlawyers.com/a-brief-history-of-times-new-roman.html>).

his Motion to Dismiss or, in the alternative, grant him leave to file the attached substitute Memorandum in Support, which complies fully with Local Rule 7.1(f) and otherwise is substantively identical to his previously-filed supporting memorandum, effective as of the filing date for his original Memorandum in Support.

Respectfully submitted,

Dated: October 16, 2013

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Certificate of Service

I hereby certify that, on October 16, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ David T. Movius
Attorney for Donald
Robinson, by Special Appearance.